

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15CV1046
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	<u>JOINT MOTION TO MODIFY</u>
)	<u>SETTLEMENT AGREEMENT</u>
Defendant.)	
)	

The Parties jointly move the Court to enter the modified Settlement Agreement (“Agreement”) in this matter (Dkt. #7-1), attached hereto, to incorporate recent amendments to the City of Cleveland’s Charter. The Parties’ joint proposed modifications are detailed in Attachment A hereto. Each of the Parties is submitting contemporaneously a Memorandum in Support of this Motion.

On November 2, 2021, Cleveland voters approved a ballot initiative, Issue 24, which amends sections of the City of Cleveland’s Charter that implicate a number of areas addressed in the Agreement. Among other things, the amendments create a chartered Cleveland Community Police Commission (“CPC”) with broader authority and responsibilities than the CPC created under the Agreement; expand the jurisdiction, authority and organizational structure of the Office of Professional Standards and Police Review Board; and change the process for adjudicating and imposing discipline for allegations of misconduct by officers. A redlined comparison of the previous and amended Charter provisions is attached hereto as Exhibit B.

The Charter amendments also direct the City to move this Court to modify the Agreement to incorporate the amendments outlined in the initiative, and to “ensure that the voters’ intentions

are given full effect.” City of Cleveland Charter § 115-5, as amended November 2, 2021. The City cannot unilaterally modify the Agreement, however, as it provides that any “changes, modifications and amendments” are to be made through joint agreement of the Parties, and “will be effective if approved by the Court” (Dkt. #7-1, par. 398). Therefore, the City and the United States have worked together to determine whether and how the Agreement should be modified in light of the amendments. In doing so, the Parties have sought to incorporate relevant changes brought about by the amendments, to ensure that the City may fully implement the Charter amendments, to minimize delay in the City’s ability to reach compliance with the Agreement, and to preserve the Agreement’s balance of correcting the Constitutional violations identified through the United States’ investigation while maintaining the City’s lawful authority to oversee the operations of the Cleveland Division of Police.

CONCLUSION

The Parties respectfully request that the Court approve the proposed modifications to the Settlement Agreement in this matter.

Respectfully submitted,

FOR THE UNITED STATES

STEVEN J. PAFFILAS
Civil Chief
Northern District of Ohio

/s/ Michelle L. Heyer

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